

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

| | | |
|---|---|-----------------------------------|
| DANA LYON, | § | |
| | § | |
| Plaintiff, | § | |
| VS. | § | |
| | § | |
| KOHLER COMPANY, | § | |
| | § | |
| Defendant/Third Party Plaintiff, | § | CIVIL ACTION NO. H-04-3533 |
| | § | |
| VS. | § | |
| | § | |
| WATTS WATER TECHNOLOGIES, | § | |
| INC., | § | |
| | § | |
| Defendant/Third Party Plaintiff, | § | |

MEMORANDUM AND ORDER

Pending before the Court are Defendant Kohler Co.’s (“Kohler”) objections to the affidavit of Plaintiff Dana Lyon, which is attached to Lyon’s response to Kohler’s motion for partial summary judgment. The Court finds Lyons’s affidavit unnecessary to the resolution of the summary judgment motion and declines to consider it. Accordingly, Kohler’s objections are **DISMISSED AS MOOT**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 21st day of Lyon, 2006.

A handwritten signature in black ink, appearing to read "Keith P. Ellison". The signature is written in a cursive, flowing style with some capitalization.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**